

PUBLIC EMPLOYMENT RELATIONS COMMISSION

NEGOTIATIONS AND IMPASSE PROCEDURES
MEDIATION, FACT-FINDING AND GRIEVANCE ARBITRATION

Readoption with Amendment: N.J.A.C. 19:12

Proposed: April 3, 2006 at 38 N.J.R. 1559(a)

Adopted: June 29, 2006, by the Public Employment Relations
Commission, Lawrence Henderson, Chairman.

Filed: July 14, 2006 as R. _____ without change

Authority: N.J.S.A. 34:13A-6(b) ; N.J.S.A. 34:13A-5.4(c) and
34:13A-11

Effective Date: June 29, 2006 readoption
August 7, 2006 amendments

Expiration Date: June 29, 2011

Summary of Public Comments and Agency Responses:

No comments were received.

Federal Standards Statement

The National Labor Relations Act excludes "any State or political subdivision thereof." See 29 U.S.C. §152(2). No Federal law or regulation applies and the Commission cannot rely upon a comparable Federal rule or standard to achieve the aims of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. The rules proposed for readoption are thus necessary and proper.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 19:12.

Full text of the amendment to the readoption follows (addition in boldface thus; deletions shown in brackets [thus]):

Full text of the proposed amendments follows:

19:12-5.1 Function of the Commission

The Commission deems it in the interests of the public to maintain an arbitration panel whose members are available to assist in the arbitration of unresolved **labor relations** grievances. **Arbitration of such disputes is governed by N.J.S.A. 2A:24-1 et seq., not N.J.S.A. 2A:23B-1 et seq., the statute applicable to arbitration of non-labor disputes.** The availability of [this] **the Commission's arbitration** service is intended to comply with the requirement of N.J.S.A. 2A:24-5 that the method for naming or appointing an arbitrator provided in the parties' agreement shall be followed. Accordingly, the release of a panel of arbitrators is predicated solely upon a prima facie showing of the parties' intention to utilize the Commission's arbitration service. Parties are referred to the judicial proceedings available under N.J.S.A. 2A:24-3 and N.J.S.A. 2A:24-5 in the event of a dispute regarding arbitrability or the method for naming or appointing an arbitrator. The Commission is not a necessary party to judicial proceedings relating to the arbitration under N.J.S.A. 2A:24-3 or N.J.S.A. 2A:24-5, but shall, upon the written request of a party, furnish to such party at the party's expense, photostatic copies of any papers in the Commission's possession that may be required in any such judicial proceedings.